

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PRUDENTIAL INSURANCE COMPANY)	
OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:20-CV-222-TRM-DCP
)	
MARY BYRD and LINDA BYRD,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Withdraw as Counsel for Defendant Linda Byrd [Doc. 21], filed by counsel for defendant Linda Byrd. Attached to the motion is Defendant's consent to the withdrawal of counsel. As grounds for the withdrawal, counsel states that he has an active conflict of interest in this matter and that he may be called as a witness in this proceeding. The Motion includes Plaintiff's current address and telephone number.

Pursuant to Local Rule 83.4(g), in order to withdraw from a case, an attorney must do the following:

- (1) File a motion with the Court requesting permission to withdraw as counsel of record;
- (2) Include in the motion the current mailing address and telephone number of the client;
- (3) Unless the motion is signed by both the attorney and the client or a consent to the withdrawal signed by the client is attached to the motion, provide a copy of the motion to the client at least 14 days prior to the date the motion is filed;

(4) If a hearing date on the motion is set, certify in writing to the Court that the client was served at least 7 days before the hearing with notice (i) of the date, time, and place of hearing and (ii) that the client has a right to appear and be heard on the motion; and

(5) Certify to the Court that the above requirements have been met.

The Court finds that all the requirements of Local Rule 83.4(g) have been satisfied. However, the Court also notes that the motion seeks a 45 day stay of all proceedings in this matter to allow time for Defendant to obtain new counsel. Under the current Scheduling Order [Doc. 17], the next deadline in this matter is for the disclosure of expert witnesses, which expires on December 28, 2020, well outside the requested 45 day stay.

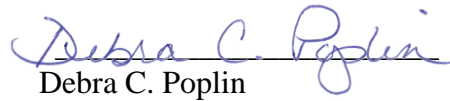
In light of the above, and for good cause shown, the Motion to Withdraw as Counsel for Defendant Linda Byrd [Doc. 21] is hereby **GRANTED**. The Court expects Attorney Marshall to provide copies of any relevant documents to any future counsel for Defendant or directly to Defendant upon request. Attorney Marshall with the Law Office of Steven E. Marshall, P.C. is **RELIEVED** of his duties as counsel in this case. It is further **ORDERED** that this case be stayed until the earliest of: 1) the entry of appearance of new counsel for Defendant; 2) notice by the Defendant that she will be proceeding *pro se*; 3) or until October 12, 2020. To be clear, the 45 day stay shall expire upon the appearance of new counsel or upon notice by Defendant that she will be proceeding *pro se* rather than obtaining new counsel, even if such action occurs before the end of the 45 day window.

Defendant is hereby **ADMONISHED** that she is **DEEMED** to be proceeding *pro se*. Until she obtains substitute counsel, it is her obligation to stay up to date on the status of this case and comply with the deadlines set by the Court. Likewise, if she elects to proceed in this case without an attorney, she is responsible for complying with all deadlines set by the Court and responding to

any requests for relief by other parties, *see* E.D. Tenn. L.R. 7.1. Defendant, like any other party, will be expected to comply with the Federal Rules of Civil Procedure, the Local Rules, and the Court's Orders. The Clerk of Court is **DIRECTED** to mail a copy of this Memorandum and Order to Defendant at the address provided in the Motion for Permission to Withdraw as Counsel of Record and to update ECF accordingly. Defendant is further **ADMONISHED** that an additional stay of proceedings in this matter is unlikely to be granted absent extraordinary circumstances.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge